

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROBISSON SANTOS,

Petitioner,

-against-

JAIME LaMANNA,

Respondent.

18-CV-9989 (LLS)

ORDER OF DISMISSAL

LOUIS L. STANTON, United States District Judge:

Petitioner, currently incarcerated at Fishkill Correctional Facility (Fishkill), brings this *pro se* petition for a writ of *habeas corpus* under 28 U.S.C. § 2254, challenging the constitutionality of his judgment of conviction rendered in the New York Supreme Court, Bronx County, on October 15, 2008. By order dated December 8, 2018, the Court directed Petitioner to show cause within sixty days why his claim is not barred by the statute of limitations. That order specified that failure to comply would result in the denial of this petition as time-barred. Because Petitioner's place of incarceration had been changed from Green Haven Correctional Facility to Fishkill, causing a delay in his mail delivery, on January 31, 2019, the Court granted Petitioner a sixty-day extension to comply with the Court's December 8, 2018 order. Petitioner has not filed a declaration to show cause as directed. Accordingly, the petition, filed *in forma pauperis* pursuant to 28 U.S.C. § 1915(a)(1), is denied as time-barred.

The Clerk of Court is directed to mail a copy of this order to Petitioner and note service on the docket. Because the petition makes no substantial showing of a denial of a constitutional right, a certificate of appealability will not issue under 28 U.S.C. § 2253.

The Clerk of Court is directed to docket this as a "written opinion" within the meaning of Section 205(a)(5) of the E-Government Act of 2002.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: April 17, 2019
New York, New York

Louis L. Stanton
Louis L. Stanton
U.S.D.J.